

28-16-30. Requirements for water and wastewater operator certification. (a) Each operator who desires or is required to obtain a water supply system or wastewater treatment facility operator certificate shall meet the following requirements:

(1) Each applicant shall own or be either employed by or under contract to persons having a water supply system or wastewater treatment facility and shall be engaged in the daily operation, maintenance, or both, of the system or facility.

(2) Each applicant shall submit a completed and approved examination application and the appropriate fee to the department. The application shall be received by the department at least two weeks before the test date. Late applications shall not be accepted for any test date.

(3) Each applicant shall be a high school graduate or shall have a general education development (GED) diploma.

(b) If an applicant provides false information on the application, the applicant shall not be accepted for examination and the fee shall not be returned. The applicant shall be notified of this decision and shall not be allowed to take the examination for two years.

(c) The applicant who previously held a Kansas water supply system or wastewater treatment facility certificate that was revoked pursuant to K.S.A. 65-4507, and amendments thereto, shall not be eligible to submit an application for examination for a period of one year from the date of the final action revoking the certificate or for the period of time specified in the final action. (Authorized by and implementing K.S.A. 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-31. Eligibility for water and wastewater operator certification. (a) Each applicant for certification shall meet eligibility requirements as noted in the following table.

CERTIFICATE CLASS	POINTS	EXPERIENCE
Small System	12.5	6 months
I	13.0	1 year
II	14.0	1 year
III	16.0	2 years
IV	18.0	2 years

(1) Point totals shall be determined using the following table.

EXPERIENCE OR EDUCATION	POINTS
Each year of operating experience	1.0

High school graduation (GED or equivalent)	12.0
Each full year of college (30 hours credit)	1.0
Each department-approved educational course (10 consecutive contact hours)	0.25
Successful completion of California State University correspondence courses (each volume)	1.0
Department-approved semester courses (60 contact hours) ...	1.5
Department-approved two-year environmental technology degree	6.0

(2) Completion of an approved two-year environmental technology degree shall fulfill the one year of experience requirement for taking a Class I examination.

(b) Minimum training requirements. Each operator who holds a certificate of competency shall be required to meet minimum training requirements before certificate renewal. All Class I, II, III, and IV certified operators shall acquire at least 10 hours of approved training every two years. Small system operators shall acquire five hours of approved training every two years.

(c) Each operator who conducts approved training for water supply system operators and wastewater treatment facility operators may receive credit equal to the number of hours of training provided. Credit shall be granted for teaching a department-approved course or seminar only in its initial presentation. (Authorized by and implementing K.S.A. 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-32. Operator certification examinations. (a) To be certified, each applicant shall pass the appropriate written examination. A score of 70% or higher shall be considered a passing score.

(b) Examinations shall be given at least twice each year at times and locations set by the department. Notice of examinations shall be sent to certified operators and either communities or districts having a water supply system or wastewater treatment facility, or both, at least 30 days before the date of examination.

(c) The written examinations shall be graded by the department or by a department-approved contractor, and the applicant shall be notified of the results. Examinations shall not be returned to the applicant. Upon receiving a written request, an analysis of the failed examination shall be provided to the applicant. The analysis shall indicate areas in which the applicant needs further study.

(d) Any operator meeting the requirements of K.A.R. 28-16-30 and K.A.R. 28-16-31 may take the same level of examination a maximum of three times per calendar year.

(e) Each operator earning a score of 50% or lower shall provide proof of having attained department-approved training before sitting for a subsequent examination.

(f) An applicant who commits any of the following acts on a written examination shall be deemed guilty of misconduct:

(1) Utilizes text materials, notes, computer-stored materials, or other unauthorized materials while taking an examination; or

(2) without express authorization from examination officials, undertakes any of the following:

(A) Removes or attempts to remove examination materials furnished by the department from the examination room;

(continued)

(B) aids another applicant, or accepts aid from another applicant in answering examination questions during a written examination; or

(C) makes or attempts to make a manual or electronic copy of the written examination.

(g) If an applicant is guilty of misconduct on a written examination, as determined by the department, both of the following penalties shall apply:

(1) The applicant shall be denied a certificate of competency.

(2) The applicant shall be ineligible to reapply for certification in any operator classification for a period of one year from the date on which the determination of misconduct becomes final.

(h) A hearing for each denial of a certificate of competency shall be held in accordance with the Kansas administrative procedure act upon written notice of the department's intention to deny any certificate. (Authorized by and implementing K.S.A. 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-33. Operator responsible for the operation and management of a water supply system or wastewater treatment facility, or both. (a) (1) Each system or facility shall have an individual or individuals in responsible charge at the system or facility site, or available at all times.

(2) For the purposes of this regulation, "individual or individuals in responsible charge" shall be defined as the person or persons designated by the owner to be the certified operator or operators who make decisions regarding the daily operational activities of a water supply system or wastewater treatment facility that will directly impact the quality or quantity of drinking water for human consumption or the quality of wastewater effluent.

(b) Except as provided in K.A.R. 28-16-33(f), each individual in responsible charge of a system shall be a certified operator for that class or a higher class of system.

(c) When a new operator responsible for the operation or management of a system or facility classified as small system, class I, or class II is hired, the owner of the system or facility shall, on a form provided by the department, notify the department within 30 days. The person named on the form shall be issued an operator-in-training (OIT) certificate subject to both of the following requirements:

(1) Within six months after completing one full year of operation as an OIT, the operator-in-training shall take the appropriate certification examination.

(2) If the OIT fails the initial examination, the OIT shall make additional preparation and take the examination again at the next time that the department offers the examination.

(d) An OIT certificate shall be valid for one year from the date of issuance. The OIT certificate may be renewed for up to an additional year if the operator demonstrates to the department that the operator is attending training sessions, studying correspondence courses, or otherwise preparing to pass the operator certification examination.

(e) The owner of a system or facility shall not be allowed to utilize an OIT for more than two consecutive years.

(f) An operator with an OIT certificate may be the individual in responsible charge of a system subject to the following:

(1) A written request submitted to the department by the system owner and verification by the owner that the system is unable to employ a currently certified operator; and

(2) a finding by the department that the operator has the basic knowledge necessary to operate the system. The following items shall be the basis for the department's decision:

(A) The results of any on-site inspection of the system; and
(B) a review of the operational history of the system;

(C) an examination of other available information. (Authorized by and implementing K.S.A. 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-34. Issuance and renewal of certificate of competency. (a) Upon satisfactory fulfillment of the requirements specified in K.A.R. 28-16-30, a certificate of competency shall be issued to the applicant. The certificate shall designate the class or classes of either water supply systems or wastewater treatment facilities for which the applicant has received certification to operate. The certificate shall be valid for two years from date of issuance.

(b) The certificate shall expire unless renewed as specified in this regulation before the expiration date. A renewal notice and application form shall be mailed to the last address of record approximately 45 calendar days before the expiration date of the certificate. Failure to receive the notice shall not relieve the certified operator of the responsibility to renew the certificate.

(c) In order to renew a certificate before it expires, the certified operator shall complete the following requirements before the expiration date of the certificate:

(1) Meet the training requirements specified in K.A.R. 28-16-31(b);

(2) submit an application for renewal on a form provided by the department; and

(3) submit the nonrefundable two-year renewal fee specified in K.A.R. 28-16-35 to the department.

(d) An expired certificate may be reinstated within two years of the expiration date, subject to K.A.R. 28-16-34(c)(1) through (3) and the reinstatement fee specified in K.A.R. 28-16-35. In each case of reinstatement, the expiration date of the reinstated operator certificate shall be the same as if the renewal requirements had been met on or before the date of expiration.

(e) Each operator certificate that is expired and is not reinstated within two years after the expiration date shall not be reinstated. Each operator failing to reinstate an expired certificate within two years after the date of expiration shall meet the requirements of K.A.R. 28-16-30, apply for examination, pay all required fees, and pass the examination in order to obtain certification. (Authorized by and implementing K.S.A. 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-35. Operator certification fees. (a) Fees for certification shall be the following:

OIT (one-year certificate)	No charge
OIT (renewal for one year)	\$5.00
Examination fee.....	\$25.00
Two-year renewal for all classes except OIT	\$20.00

Reinstatement of lapsed certificate	
up to and including one year after renewal date	\$15.00
between one and two years after renewal date	\$25.00
One-year reciprocity fee	\$25.00

(b) Fees from applicants who are ineligible to take the certification examination shall be returned. No other fees shall be returned. Fees for department-sponsored training sessions shall be established by the department. (Authorized by and implementing K.S.A. 65-4512 and 65-4513; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-36. Classification of water supply systems and wastewater treatment facilities. (a) The owner of each water supply system and wastewater treatment facility shall designate an operator in responsible charge of the system or facility, or both, whose qualifications are commensurate with the following:

SYSTEM OR FACILITY CLASS	OPERATOR CLASS
Small System	Small System, I, II, III, or IV
I	I, II, III, or IV
II	II, III, or IV
III	III or IV
IV	IV

(b) Classification of water supply systems shall be as follows:

CLASS	POPULATION SERVED
Small System	
Distribution system only	All, no limit
or	
Chlorination of groundwater only	less than 501
Class I	
Chlorination of groundwater only	501-1,500
or	
Treatment of groundwater	less than 501
Class II	
Chlorination of groundwater only	1,501-5,000
or	
Treatment of groundwater	501-2,500
or	
Treatment of surface water	less than 2,501
Class III	
Chlorination of groundwater only	5,001-20,000
or	
Treatment of groundwater or surface water	2,501-10,000
Class IV	
Chlorination of groundwater only	over 20,000
or	
Treatment of groundwater or surface water	over 10,000

(c) Classification of commercial, industrial, and municipal wastewater treatment facilities shall be as follows:

CLASS	POPULATION SERVED
Small Systems	
Nonoverflowing municipal wastewater ponds	All, no limit
Class I	
Any secondary treatment facility	less than 1,000
or	
Overflowing wastewater ponds	All, no limit
Class II	
Any secondary treatment facility	1,001-5,000
Class III	
Any secondary treatment facility	5,001-25,000
or	
Advanced or specialized treatment facility	less than or equal to 5,000

Class IV	
Any secondary treatment facility	over 25,000
or	
Advanced or specialized treatment facility	over 5,000

(d) For purposes of this regulation, "treatment," as it applies to water supply systems, shall include the following processes:

- (1) Iron and manganese removal;
- (2) membrane filtration;
- (3) softening;
- (4) coagulation, sedimentation, and filtration;
- (5) recarbonation; and
- (6) addition of chemicals other than chlorine for improved water quality.

(e) For purposes of this regulation, "secondary treatment facility" shall be any department-permitted biological treatment facility, including the following:

- (1) Waste stabilization ponds;
- (2) trickling filter plants;
- (3) rotating biological contactor plants; and
- (4) activated sludge plants.

A secondary treatment facility may include biological, physical, or chemical disinfection.

(f) For purposes of this regulation "advanced or specialized treatment facility" shall include facilities utilizing selected biological, physical, and chemical separation processes to remove organic and inorganic substances that resist conventional treatment practices. Biological, physical, and chemical disinfection shall not be considered advanced or specialized treatment. (Authorized by K.S.A. 65-4512; implementing K.S.A. 65-4505 and 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)